

**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, OCTOBER 6, 2015 - 7:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY OCTOBER 6, 2015 AT 7:00 PM** IN THE SEABROOK CITY HALL COUNCIL CHAMBERS, 1700 FIRST STREET, SEABROOK, TEXAS, **TO DISCUSS, CONSIDER, AND IF APPROPRIATE, TAKE ACTION** WITH RESPECT TO THE ITEMS LISTED BELOW.

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS OR INTERPRETIVE SERVICES, MUST BE MADE, 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (281) 291-5600 OR FAX (281) 291-5710 FOR FURTHER INFORMATION.

PLEDGE OF ALLEGIANCE

1.0 PRESENTATIONS

- 1.1 Proclamation for National Domestic Violence Awareness Month presented to Bay Area Turning Point. (Royal)
- 1.2 Recognition of Seabrook Volunteer Fire Department Member for his dedication to the community, attentiveness, and compassion in locating and re-uniting a local youth with his family. (Gutaker)
- 1.3 Presentation of Seabrook Volunteer Fire Department (SVFD) quarterly report. (Gutacker)
- 1.4 Presentation of Quarterly Report by the Open Space and Trails Committee. (Burton)

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

At this time we would like to listen to any member of the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum of four minutes for each speaker. In accordance with the Open Meetings Act, members may not discuss or take action on any item that has not been posted on the agenda. When your name is called, please come to the podium and state your name and address clearly into the microphone before making your comments. Thank you.

- 2.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

3.0 SPECIFIC PUBLIC HEARING(S)

📎 ATTACHMENT 1

- 3.1 Conduct the second of two required public hearings on the 2015 proposed tax rate of **\$0.612611 per \$100 taxable value**. The first public hearing was held on September 22, 2015 at 6:30 p.m. at Seabrook City Hall. The Seabrook City Council will vote on the proposed tax rate at a regularly scheduled City Council meeting on October 20, 2015 at 7:00 p.m. at City Hall. (Cook/Lab)

4.0 CONSENT AGENDA - Council will discuss, consider and if appropriate, take action on the items listed below.

All consent agenda items are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a council member, city manager, city attorney or city secretary so requests, in which event the item will be removed from the Consent Agenda and considered immediately following the Consent Agenda.

📎 ATTACHMENT 2

- 4.1 Approve, on second and final reading, proposed Ordinance 2015-15 "Establish a Water Rate Stabilization and Capital Reserve Fund." (Lab)

AN ORDINANCE ESTABLISHING A WATER RATE STABILIZATION AND CAPITAL RESERVE FUND TO PROTECT THE CITY AND ITS CUSTOMERS FROM SPIKES IN WATER RATES DUE TO VOLATILE WATER CONSUMPTION AND TO PROVIDE FUNDING FOR FUTURE WATER CONTRACT NEGOTIATIONS AND/OR CAPITAL INFRASTRUCTURE NEEDS ASSOCIATED WITH WATER SUPPLY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

📎 ATTACHMENT 3

- 4.2 Approve Resolution 2015-26, "Designation of a Representative and Alternate for the Houston-Galveston Area Council 2016 General Assembly." (Council)

A RESOLUTION FORMALLY APPOINTING AND DESIGNATING MAYOR GLENN R. ROYAL AS REPRESENTATIVE AND MAYOR PRO TEM GARY JOHNSON AS ALTERNATE TO THE H-GAC 2016 GENERAL ASSEMBLY AS APPROVED BY CITY COUNCIL ON JUNE 2, 2015.

📎 ATTACHMENT 4

- 4.3 Approve an Interlocal Agreement with Harris County in the amount of \$6,334.56 for a 12 month period effective on September 1, 2015 to provide the City of Seabrook with administration and implementation of a regional watershed protection program to meet state and federal requirements (MS4 permit). (Chairez)

ATTACHMENT 5

- 4.4 Approve the reappointment of Carl Kuehnel and Barbara Clemmons as regular members to the Ethics Review Commission for a two-year term which will expire October 31, 2017, and approve the revision of the term for Jared Kelly, as a regular member, to expire October 31, 2017. (Hicks)

ATTACHMENT 6

- 4.5 Approve an event permit for the Texas Cyclones Cross Country Meet on Sunday, October 18, 2015 from 2:00 p.m. until 6:00 p.m. at Meador Park. (Hicks)

ATTACHMENT 7

- 4.6 Approve the minutes of the September 22, 2015 special City Council meeting. (Hicks)
- 4.7 Approve an excused absence for O.J. Miller for the September 22, 2015 regular City Council meeting. (Hicks)

END OF CONSENT AGENDA

- 5.0 NEW BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.**

ATTACHMENT 8

- 5.1 Consider approval of an Interlocal Agreement with Harris County, Precinct 2, for the donation and acceptance of a long reach Slope Mower. (Chairez)

- 6.0 ROUTINE BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.**

ATTACHMENT 9

- 6.1 Approve the Action Items Checklist which is attached and made a part of this agenda. (Council)

ATTACHMENT 10

- 6.2 Establish future meeting dates and agenda items. (Council)

7.0 EXECUTIVE SESSION

The City Council will now hold a closed executive meeting pursuant to the provisions of the open meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in one or more of the following sections: Section 551.071, Consultation with Attorney; Section 551.072, Real Property; Section 551.073, Deliberation Regarding a Prospective Gift; Section 551.074, Personnel Matters; Section 551.076. Security Devices; and

Section 551.087, Economic Development.

Section 551.071

- 7.1 Consult with an attorney to receive legal advice, as provided pursuant to Section 551.071 Texas Government Code, regarding legal issues associated with recently adopted statutes concerning regulation of firearms. (Cook)

8.0 OPEN MEETING

Council will reconvene in open session to allow for possible action on any of the agenda items listed above under "Executive Session".

- 8.1 Consider and authorize approval or action on legal issues associated with recently adopted statutes concerning regulation of firearms. (Cook)

THE CITY COUNCIL RESERVES THE RIGHT TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE) THAT JUSTIFIES EXECUTIVE SESSION TREATMENT.

CERTIFICATE

I certify that this notice was posted on the bulletin board on or before Friday, October 2, 2015 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

Robin Hicks
City Secretary

Notice of Public Hearing on Tax Increase

The City of Seabrook will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 5.43 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on September 22, 2015 at 6:30 PM at 1700 First Street Seabrook, TX 77586.

The second public hearing will be held on October 6, 2015 at 7:00 PM at 1700 First Street Seabrook, TX 77586.

The members of the governing body voted on the proposal to consider the tax increase as follows:

FOR:

Glenna Adovasio
Mike Giangrosso
OJ Miller

Melissa Botkin
Gary Johnson
Glenn Royal

AGAINST:

PRESENT and not voting:

ABSENT: Robert Llorente

The average taxable value of a residence homestead in City of Seabrook last year was \$166,250. Based on last year's tax rate of \$0.640030 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$1,064.05.

The average taxable value of a residence homestead in City of Seabrook this year is \$181,823. If the governing body adopts the effective tax rate for this year of \$0.581050 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$1,056.48.

If the governing body adopts the proposed tax rate of \$0.612611 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$1,113.87.

Members of the public are encouraged to attend the hearings and express their views.

ORDINANCE NO. 2015-15
ESTABLISHING A WATER RATE STABILIZATION AND CAPITAL RESERVE
FUND

AN ORDINANCE ESTABLISHING A WATER RATE STABILIZATION AND CAPITAL RESERVE FUND TO PROTECT THE CITY AND ITS CUSTOMERS FROM SPIKES IN WATER RATES DUE TO VOLATILE WATER CONSUMPTION AND TO PROVIDE FUNDING FOR FUTURE WATER CONTRACT NEGOTIATIONS AND/OR CAPITAL INFRASTRUCTURE NEEDS ASSOCIATED WITH WATER SUPPLY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on February 3, 2015, the City Council approved the Five-Year Water & Sewer Rate Study as prepared and presented by Karyn Keese of Atkins Global; and

WHEREAS, the study recommended the formal establishment of a capital water rate stabilization reserve; and

WHEREAS, the rates necessary to fund and sustain the reserve were adopted by Resolution No. 2015-04 on February 17, 2015; and

WHEREAS, the Water Rate Stabilization Fund is separate from, and in addition to, the already established reserve funds which are 25 percent of operating expenditures in General Fund and 15 percent of operating expenses in the Enterprise Fund; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. ESTABLISHMENT OF THE STABILIZATION FUND.

The Seabrook City Council hereby establishes the Water Rate Stabilization Fund to protect the City and its customers from spikes in water rates due to volatile water consumption and to provide funding for future contract negotiations and/or capital needs. The Water Rate Stabilization Fund is separate and in addition to the already established reserve funds which are 25 percent of operating expenditures in General Fund and 15 percent of operating expenses in the Enterprise Fund. The Water Rate Stabilization Fund will be used to help mitigate future increases in the cost to purchase water and/or build or improve infrastructure to provide water to the citizens.

The Stabilization Fund will be initially funded by a 2015-2016 budgeted transfer from the Enterprise Fund in the amount of \$35,000 and will increase annually in increments of \$35,000, unless otherwise determined by City Council.

SECTION. 3. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 4. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this 4th day of August, 2015.

PASSED, APPROVED, AND ADOPTED on second and final reading this 6th day of October, 2015.

BY: _____
GLENN R. ROYAL, MAYOR

ATTEST:

Robin Hicks
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered, City Attorney

**CITY OF SEABROOK
RESOLUTION NO. 2015-26
DESIGNATION OF REPRESENTATIVE AND ALTERNATE
HOUSTON-GALVESTON AREA COUNCIL (H-GAC)
2016 GENERAL ASSEMBLY**

A RESOLUTION FORMALLY APPOINTING AND DESIGNATING MAYOR GLENN R. ROYAL AS REPRESENTATIVE AND MAYOR PRO TEM GARY JOHNSON AS ALTERNATE TO THE H-GAC 2016 GENERAL ASSEMBLY AS APPROVED BY CITY COUNCIL ON JUNE 2, 2015

WHEREAS, the City Council appointed Mayor Glenn R. Royal as Representative and Mayor Pro Tem Gary Johnson as Alternate to the Houston-Galveston Area Council 2013 General Assembly on June 2, 2015; now, therefore,

BE IT RESOLVED, by the Council of the City of Seabrook, State of Texas:

THAT, Mayor Glenn R. Royal be, and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2016.

FURTHER, that the Official Alternate authorized to serve as the voting representative should be hereinabove named representative become ineligible, or should he resign, is **Mayor Pro Tem Gary Johnson**,

THAT, the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

PASSED AND ADOPTED, this 6th day of October 2015.

APPROVED:

Glenn R. Royal
Mayor

ATTEST:

Robin Hicks
City Secretary



Houston-Galveston Area Council

Office of the Executive Director

September 17, 2015

The Honorable Glenn R. Royal
Mayor, City of Seabrook
1700 First St
Seabrook, TX 77586

Dear Mayor Royal:

I am writing regarding the appointment of your city's representative to H-GAC's 2016 General Assembly.

H-GAC's Bylaws provide that each member Home Rule city with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2016.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body. Please return the completed form by fax to 713-993-2414 or email rick.guerrero@h-gac.com.

A dinner meeting of Home Rule city representatives will be scheduled for November. At that meeting, your 2015 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2016.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 10. If you have any questions during the designation process, please call Rick Guerrero at 713-993-4598.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jack Steele', is written over a horizontal line.

Jack Steele

JS/dw

Enclosure

cc: City Secretary

**DESIGNATION OF REPRESENTATIVE AND ALTERNATE
HOUSTON-GALVESTON AREA COUNCIL
2016 GENERAL ASSEMBLY**

BE IT RESOLVED, by the Mayor and City Council of _____, Texas,
that _____ be, and is hereby designated as its Representative
to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2016.

FURTHER, that the Official Alternate authorized to serve as the voting representative should
the hereinabove named representative become ineligible, or should he/she resign, is
_____.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the
designation of the hereinabove named representative and alternate.

PASSED AND ADOPTED, this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

By: _____



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, OCTOBER 6, 2015

Submitter/Requestor: Arthur Chairez

Date Submitted: 9/25/2015 10:39:52 AM

Presenter: Arthur Chairez

Description/Subject:

Interlocal Agreement with Harris County to implement MS4 permit.

Purpose/Need: NA

Background/Issue(What prompted this need):

Purpose/Need: To meet the TCEQ & EPA requirements on implementing the public education programs portion of the MS4 permit.

The city will have access to a multi-media public education campaign that includes brochures, booklets, promotional items, television commercials, radio spots, newspaper advertisements, newspaper inserts & billboards to meet the BMP (best management practice) of the permit.

Impacted Parties(Expected/Notified): All City Departments, Seabrook Citizens and Council.

Miscellaneous Comments:

This agreement will cover the 2nd year of the 5 year MS4 permit issued by TCEQ. This will be our second 5 year permit issued by TCEQ, and continuing inter-local agreements with Harris Co.

Attachments:

(Please list description of attachments and number of pages in each attachment)

**agreement
links**

Fiscal Impact:

Budgeted

Yes

Finance
Review:

Officer

Budget Amendment Required

Yes

Future/Ongoing Impact

Yes

Budget Dept/Line Item Number

Funding Comments:

Where on the agenda should this item be placed?

Consent Agenda

Suggested Motion:

Approve Interlocal Agreement with Harris County.

Agenda Language:

Approve an Interlocal Agreement with Harris County in the amount of \$6,334.56 for a 12 month period effective on September 1, 2015 to provide the City of Seabrook with administration and implementation of a regional watershed protection program to meet state and federal requirements (MS4 permit). (Chairez)

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

HARRIS COUNTY

ENGINEERING DEPARTMENT
General Services

10555 Northwest Frwy., Suite 120
Houston, Texas 77092
(713) 274-3900

September 15, 2015

Mayor Glenn Royal
City of Seabrook
1700 First Street
Seabrook, Texas 77586

SUBJECT: Transmittal of Agreement between Harris County and the City of Seabrook for administration and implementation of a regional watershed protection education program

Dear Mayor Royal:

Enclosed please find three court approved original Interlocal Agreements between Harris County Public Infrastructure Department and the City of Seabrook to provide the city with administration and implementation of a regional watershed protection education program.

The agreement and contract is in the amount of \$6,334.56. The term will run for an entire year effective September 1, 2015 through August 31, 2016. This is the standard contract term for all regional partners.

Please sign all three agreements and return two originals to our office. In accordance with the agreement, please forward a check made payable to Harris County in the amount of \$6,334.56.

If you have any questions, please contact Dimetra Hamilton at 713-274-3745.

Sincerely,



Joshua Stuckey
Manager, General Services

Attachments – 3 original agreements

cc: Kevin Padgett, Assistant Director of Public Works

INTERLOCAL AGREEMENT

(Storm Water Quality Public Education Funding)

1. PARTIES

- 1.1 Parties. The Parties to this Interlocal Agreement ("Agreement") are **Harris County**, a body corporate and politic under the laws of the State of Texas ("County"), on behalf of its Harris County Engineering Department ("HCED") and **City of Seabrook**, a municipal corporation, organized and existing by virtue of the Laws of the State of Texas ("City"). This Agreement is entered into pursuant to Chapter 791 of the Texas Government Code, the Interlocal Cooperation Act, in order to increase the efficiency and effectiveness of local government.

2. PURPOSE

- 2.1 Description. The United States Environmental Protection Agency ("EPA") has promulgated regulations requiring operators of discharges from certain municipal separate storm sewer systems (MS4s) to obtain National Pollutant Discharge Elimination System ("NPDES") permits for storm water discharges to waters of the United States. Pursuant to Part III (A)(1) of General Permit No. TXR040000 of the Texas Pollutant Discharge Elimination System, subject MS4s are required to implement a public education and outreach program on storm water impacts. The County and the City are responsible under the regulations and permits applicable to each for public education programs. Therefore, the City and the County desire that the County administer, in accordance with this Agreement, a regional public education services program related to storm water quality and other related issues that impact the water quality of our local watersheds in regard to, but not limited to, dissemination of information regarding (a) prevention of litter; (b) proper management of pesticides, herbicides, and fertilizers; (c) public reporting of illicit discharges; (d) proper management of used oil and household hazardous wastes; and (e) proper construction methods.

3. SCOPE OF WORK/SERVICES AND DELIVERABLES

- 3.1 Specific Project, Program, work, products, services, licenses and/or deliverables. HCED shall provide the work, products, services, licenses and/or deliverables required to be provided by HCED and as set out in this Agreement and in any **Attachment A and all other referenced attachments** attached and incorporated in this Agreement (all together referred to as the "Program"). The provisions in this Agreement labeled 'Scope of Services' or 'Scope of Work' shall take precedence over anything conflicting in any attached proposal.

4. ADDITIONAL AND SPECIAL REQUIREMENTS

- 4.1 Non-Federal Employees Whistleblower Protection Act. HCED shall comply with and be subject to the whistleblower rights and remedies in the pilot program on Contractor employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239) and FAR 3.908. HCED shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights, remedies, and protections under 41 U.S.C. 4712, as described in section 3.908 of the Federal Acquisition Regulation. During the applicable time period, HCED (as well as any of HCED's agents, employees, volunteers, and subcontractors performing work under this Agreement) shall not retaliate against employees (including discharge, demotion, or other discrimination as a reprisal) who discloses information that the employee reasonably believes is evidence of (a) gross mismanagement of a Federal contract or grant, gross waste of, or abuse of authority related to, the use of a Federal contract or grant; (b) a violation of a rule or regulation related to a federal agency contract or grant; or (c) a substantial and specific danger to public health or safety danger or a violation of law, rule, or regulation related to a Federal contract or grant. HCED shall inform the

other Party immediately of any information it receives from any source alleging a violation of this section. Each Party shall comply (and enforce compliance by Each Party's agents, employees, volunteers, subcontractors, and subrecipients as applicable, providing work, products, services, licenses and/or deliverables under this Agreement) with this provision. HCED and the person executing this Agreement on behalf of HCED certify and represent that HCED will comply with the requirements of this provision. HCED shall require the language of this provision be included in all covered sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all covered sub-recipients certify and disclose accordingly. The person whose signature appears on this Agreement is authorized to sign this certification/representation on the behalf of HCED. This certification/representation applies to this Agreement and is a material representation of fact upon which City relied when entering into this transaction. This certification/representation shall be binding on HCED (as well as successors, transferees, and assignees, if any) as long as they receive or retain federal or state funds. HCED agrees that any government agency or entity may seek judicial enforcement of this certification/representation under this Agreement.

5. AMOUNT OF COMPENSATION AND BASIS FOR PAYMENT

- 5.1 Payments/Compensation. For and in consideration of the work, products, services, licenses and/or deliverables provided under this Agreement and during the Term of this Agreement, subject to the limitations in this Agreement, City shall pay County **\$6,334.56** on or before the 60th day after execution of this Agreement to cover the actual cost to County. The County may use funds provided by the City under this Agreement to pay costs of the Program. At the end of this Agreement, the County shall deliver to the City an accounting of all funds expended under this Agreement. If the funds provided by the City are in excess of the costs of the Program, the County shall refund the amount of the excess to the City.

6. TERM OF THE AGREEMENT

- 6.1 Time Period. The time period for performance of this Agreement ("Term") shall begin on October 1, 2015 and end on September 30, 2016.

7. TERMINATION PROVISIONS

- 7.1 Termination. Either Party may terminate this Agreement at any time prior to the expiration of the Term hereof by giving ten (10) days' written notice to the other Party. Upon termination, County shall deliver an accounting of all funds expended under this Agreement. County will refund to City any funds provided by the City that are in excess of the costs of the Program incurred prior to termination of this Agreement.

8. IMMUNITY

- 8.1 No Waiver of Governmental Immunity. Neither Party waives any immunity or defense on behalf of itself, its employees or agents as a result of the execution of this Agreement.

9. MISCELLANEOUS

- 9.1 Notices to City. Any notice or billing invoice required or permitted to be given ("Notice") by County or HCED to City may be given by hand delivery, facsimile, email, or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Glenn Royal
Mayor
1700 First Street
Seabrook, TX 77586

Fax: 281-291-5690
Email: mayor@seabrooktx.gov

- 9.2 Notices to County. Any Notice required or permitted to be given by City to County may be given by hand delivery, facsimile, email, or certified United States Mail, postage or fee prepaid, return receipt requested, addressed to:

John R. Blount, P.E.
Harris County Engineer
Harris County Engineering Department
1001 Preston, 7th Fl.
Houston, TX 77002
Fax: 713-755-4459

WITH A COPY OF THE NOTICE TO:

The Harris County Auditor
1001 Preston Street, Ste. 800
Houston, TX 77002
auditor@co.harris.tx.us

- 9.3 Receipt of Notice. Such Notice shall be considered given and complete upon successful electronic transmission or upon deposit in the United States Mail.
- 9.4 Change of Address. Either Party may change its address for Notice by giving the other Party 10 days' prior written notice specifying the new address.
- 9.5 Choice of Law. This Agreement shall be construed according to the laws of the State of Texas without giving effect to its conflict of laws provisions. Venue lies only in Harris County as per Texas Civil Practice and Remedies Code Sec. 15.015, and any alternative dispute resolution, suit, action, claim, or proceeding with respect to or arising out of this Agreement must be brought solely in the courts or locations that are situated in the State of Texas, County of Harris. Both Parties irrevocably waive any claim that any proceeding brought in Harris County has been brought in an inconvenient forum.
- 9.6 Electronic or Facsimile Signatures and Duplicate Originals. Pursuant to the requirements of the Uniform Electronic Transactions Act in Chapter 322 of the Texas Business and Commerce Code and the Federal Electronic Signatures in Global and National Commerce Act (beginning at 15 U.S.C. Section 7001), the Parties have agreed that the transactions under this Agreement may be conducted by electronic means. Pursuant to these statutes, **this Agreement may not be denied legal effect or enforceability solely because it is in electronic form or because it contains an electronic signature.** This Agreement may be executed in duplicate counterparts and with electronic or facsimile signatures with the same effect as if the signatures were on the same document. Each multiple original of this document shall be deemed an original, but all multiple copies together shall constitute one and the same instrument.
- 9.7 Signatory Authorized to Execute Agreement. The person executing this Agreement on behalf of each Party represents that he or she is duly authorized by the policy of the Party's governing body to execute this Agreement on behalf of the Party.

IN TESTIMONY OF WHICH, this Agreement, in duplicate counterparts, each having equal force and effect of an original has been executed on behalf of the Parties hereto as follows:

SEP 15 2015
a. It has, on the _____ day of _____, 2015, been executed on behalf of Harris County by the County Judge of Harris County, Texas, pursuant to an order of the Commissioners Court of Harris County authorizing such execution.

b. It has, on the _____ day of _____, 2015, been executed on behalf of the City of Seabrook by its Mayor and attested to by the Assistant Director of Public Works.

HARRIS COUNTY

By: Ed Emmett
Ed Emmett
County Judge

CITY OF SEABROOK

By: _____
Glenn Royal
Mayor

APPROVED AS TO FORM:

VINCE RYAN
Harris County Attorney

ACKNOWLEDGED BY:

Kevin Padgett
Assistant Director of Public Works

By: James M. Lemond
James M. Lemond
Assistant County Attorney
CAO File Number: 15GEN1271

Attachment A

Within 90 days of the effective date of this agreement, Harris County will provide information, in electronic format, related to major outfalls previously located by Harris County within the City's jurisdiction. The County shall not be responsible for the completeness or accuracy of the information.

The County will administer the Program, which may include tasks such as:

- Development and production of color and black-and-white newspaper advertisements in the Houston Chronicle and local newspapers, including ethnic-based news publications.
- Development and production of full color newspaper inserts focusing on key regional issues related to watershed protection and storm water quality.
- Password-protected, web-based access to electronic versions of program related brochures, flyers, direct mail postcards, booklets, newspaper advertisements, newspaper inserts,
- Phase II "hot button" on the front page of the regional website with links to all participating Phase II City homepage(s) or page of their choice.
- Frequent RWPP program announcements via e-mail.
- Stakeholder group meetings (as needed for special announcements).

Harris County will provide the City with a written summary of all regional public education campaign activities provided under this agreement. If the City chooses to use this information to demonstrate permit compliance in their annual report to the Texas Commission on Environmental Quality or for any other purpose, it will be the City's responsibility to determine appropriateness of that usage.

**ORDER OF COMMISSIONERS
COURT**

The Commissioners Court of Harris County, Texas, met in regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on SEP 15 2015, with all members present except none.

A quorum was present. Among other business, the following was transacted:

**ORDER AUTHORIZING
THE INTERLOCAL
AGREEMENT WITH HARRIS
COUNTY AND
CITY OF SEABROOK
FOR STORM WATER QUALITY PUBLIC EDUCATION
FUNDING**

Commissioner Cagle introduced an order and moved that Commissioners Court adopt the order. Commissioner Lee seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Ed Emmett	☒	☐	☐
Comm. El Franco Lee	☒	☐	☐
Comm. Jack Morman	☒	☐	☐
Comm. Steve Radack	☒	☐	☐
Comm. R. Jack Cagle	☒	☐	☐

The meeting chair announced that the motion had duly and lawfully carried, and this order was duly and lawfully adopted. The order adopted follows:

IT IS ORDERED that the County Judge is authorized to execute the attached Interlocal Agreement with Harris County and **City of Seabrook for Storm Water Quality Public Education Funding**. The attached Agreement may be executed with an electronic or facsimile signature. The Harris County Engineering Department and all other Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.

Presented to Commissioner's Court

SEP 15 2015

APPROVE C/L
Recorded Vol _____ Page _____

HARRIS COUNTY CLEAN WATER WAYS LINKS

<http://www.cleanwaterways.org/RWPP/>

<http://www.cleanwaterways.org/RWPP/Logon.html>

User Name: Seabrook

Password: Recycling\$



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: TUESDAY, OCTOBER 6, 2015

Submitter/Requestor: Robin Hicks

Date Submitted: 9/28/2015 1:34:01 PM

Presenter: Robin Hicks

Description/Subject:

Reappointment of Ethics Review Commission members.

Purpose/Need: NA

Background/Issue(What prompted this need):

Mr. Kuehnel and Ms. Clemmons are regular reappointments. Mr. Kelly was appointed to the Ethics Review Commission on July 28, 2015, and should have been appointed for a term ending October 31, 2017 instead of October 31, 2016.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

(Please list description of attachments and number of pages in each attachment)

Fiscal Impact:	Budgeted	Yes	Finance	Officer
	Budget Amendment Required	Yes	Review:	
	Future/Ongoing Impact	Yes		
	Budget Dept/Line Item Number			

Funding Comments:

Where on the agenda should this item be placed?

Consent Agenda

Suggested Motion:

Agenda Language:

Approve the reappointment of Carl Kuehnel and Barbara Clemmons as regular members to the Ethics Review Commission for a two-year term which will expire October 31, 2017, and approve the revision of the term for Jared Kelly, as a regular member, to expire October 31, 2017. (Hicks)

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

The City Council of the City of Seabrook met in regular session on Tuesday, September 15, 2015 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANGROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON	MAYOR PRO TEM & COUNCIL PLACE NO. 3
MELISSA BOTKIN	COUNCIL PLACE NO. 4
GLENNA ADOVASIO	COUNCIL PLACE NO. 5
O.J. MILLER - Ex. Abs.	COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	ASSISTANT CITY MANAGER
STEVE WEATHERED	CITY ATTORNEY
ROBIN HICKS	CITY SECRETARY

Mayor Royal called the meeting to order at 6:30 p.m.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

1.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

Councilor Giangrosso announced Seabrook Saltwater Derby on September 25 and National Night Out on October 6.

2.0 SPECIFIC PUBLIC HEARING(S)

2.1 Conduct the first of two required public hearings on the 2015 proposed tax rate of \$0.612611 per \$100 taxable value. The second public hearing will be held at a regularly scheduled City Council meeting on October 6, 2015 at 7:00 p.m. at Seabrook City Hall. The Seabrook City Council will vote on the proposed tax rate at a regularly scheduled City Council meeting on October 20, 2014 at 7:00 p.m. at City Hall. (Cook/Lab)

Mayor Royal opened the public hearing.

Mr. Jeff Bush of 1814 Lakeside Drive spoke, asking for an explanation for why the tax rate is increasing, if the City is also seeing more revenue. Mayor Royal; City Manager, Gayle Cook; and Director of Finance, Pam Lab, discussed how the effective tax rate is raised or lowered based on whether property values go up or down, as calculated using a specific formula required by law. They explained that the proposed tax rate is calculated based on a number of factors, including the City's debt service, operation and maintenance needs, level of reserves, and forecasted growth.

Having no other persons come forward to speak, Mayor Royal closed the public hearing.

3.0 CONSENT AGENDA

3.1 Approve update to Neighborhood Empowerment Zone guidelines and zone Description. (Chavez)

3.2 Authorize the write-off of \$24,099.48 in bad debt and the transfer of funds from 902-5465 in the amount of \$20,000 to replenish Allowance for Doubtful Accounts-line item number 020-0112. (Lab)

3.3 Approve the minutes of the September 01, 2015 regular City Council meeting. (Hicks)

3.4 Approve the minutes of the September 15, 2015 regular City Council meeting. (Hicks)

3.5 Approve an excused absence for O.J. Miller for the September 15, 2015 regular City Council meeting. (Hicks)

Motion was made by Councilor Botkin and seconded by Councilor Johnson

To approve the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

4.0 NEW BUSINESS

4.1 Consider and authorize approval of Amendment No. 1 to the Memorandum of Understanding (MOU) with the Port of Houston Authority (PHA). (Cook)

Gayle Cook, City Manager, stated she had received a copy of the Port's insurance policy and has reviewed the policy with the City Attorney. Neither the City Manager, nor the City Attorney has concerns about the insurance policy and its endorsement for adding the City as an additional insured. Steve Weathered, City Attorney, reiterated that the Port owns the property on which the tracks are operating; therefore, any indemnification issues with regard to the quiet zone(s) would be the responsibility of the Port and the railroad. Amendment Number 1 states that the City will not be required to indemnify any party.

Motion was made by Councilor Llorente and seconded by Councilor Adovasio

To approve Amendment No. 1 to the Memorandum of Understanding (MOU) with the Port of Houston Authority (PHA).

MOTION CARRIED BY UNANIMOUS CONSENT.

Upon motion duly made and seconded, Mayor Royal adjourned the meeting at 6:49 p.m.

Approved this 6th day of October 2015.

Glenn R. Royal
Mayor

Robin Hicks
City Secretary



OF SEABROOK

AGENDA BRIEFING

Date of Meeting: 10/06/15

Submitter/Requestor: Arthur Chairez

Date Submitted: 10/24/15

Presenter: Arthur Chairez

Description/Subject: Interlocal Agreement with Harris County for Slope Mower Donation

Purpose/Need: ROW Mowing

Background/Issue: HC Precinct 2 approached Public Works about donating one of their long reach slope mowers that were no longer needed because all their ROW mowing was outsourced to a contractor.

Impacted Parties: Public Works Department

Miscellaneous Comments: Occasionally the city would ask HC Precinct 2 to use their long reach mowers to mow hard to reach areas in ROW's such as drain ditches and road ways where the city mower could not reach. The Public Works Department has inspected the Tractor/Slope mower and found it to be in good mechanical condition.

Recommended Action: Approve Interlocal Agreement with Harris County for Slope Mower Donation

Attachments: Interlocal Agreement, Slope Mower Image

Fiscal Impact: Budgeted ☐ Yes ☐ No Finance Officer Review:
Budget Amendment Required ☐ Yes ☐ No
Future/Ongoing Impact ☐ Yes ☐ No
Budget Dept/Line Item Number _____
Approximate Total Amount of Expenditure Donation/No Cost

Where on the agenda should this item be placed: Consent

Suggested Motion: Approve Interlocal Agreement with Harris County Precinct 2 for Slope Mower Donation

Agenda Briefing Form
Page 2

Approvals:

Initials

Date

Approved by City Manager (If applicable) _____

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances.)

Sent to City Attorney for review _____

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant _____

Returned by the City Secretary/Assistant (If incomplete) _____

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

INTERLOCAL AGREEMENT BETWEEN
HARRIS COUNTY AND CITY OF SEABROOK

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Interlocal Agreement is made and entered into by and between Harris County (“Harris County”), a body corporate and politic under the laws of the State of Texas, acting through its governing body the Harris County Commissioners Court, and the City of Seabrook (“Seabrook”), a city located within Harris County. Harris County and Seabrook are referred to herein collectively as the “Parties” and individually as a “Party.”

Recitals

The County desires to donate a slope mower (“the Equipment”) to the City of Seabrook.

The City of Seabrook wants to accept the donation.

Terms

I.

Harris County will donate a 1997 New Holland Slope Mower, Serial Number #106133B, currently recorded in the County’s equipment records as #11250, to the City of Seabrook.

Seabrook understands and agrees that Harris County is donating the Equipment “as-is, with all faults” and that Harris County makes no representations or warranties as to the Equipment. A list of the equipment with serial numbers is attached hereto as Exhibit A and incorporated herein by reference.

II.

Seabrook shall be fully responsible for the transfer or filing of any and all required documents necessary to affect the transfer of ownership from Harris County to Seabrook. Seabrook understands and agrees that the transfer of the Equipment is an outright donation by Harris County. Any fees or costs incurred in the transfer of the Equipment are in no sense a purchase price.

III.

With its acceptance of the Equipment, Seabrook assumes full responsibility for the Equipment, and acceptance shall act as a release by Seabrook of any and all liability that Harris County may be subject to under any state or federal laws.

IV.

To facilitate the donation of the Equipment, the Parties may communicate through the following persons:

Seabrook

City of Seabrook
Attn: Arthur Chairez
1700 First Street
Seabrook, Texas 77586

Harris County

Wade Camp
Attn: Mark Rios (712-274-2329)
8103 Wade Road
Baytown, Texas 77521

V.

EXECUTION

Multiple Counterparts: This Agreement may be executed in several counterparts. Each counterpart is deemed an original. All counterparts together constitute one and the same instrument. Each Party warrants that the undersigned is a duly authorized representative with the power to execute this Agreement.

CITY OF SEABROOK

HARRIS COUNTY

By: _____
GAYLE COOK
SEABROOK CITY MANAGER

By: _____
ED EMMETT
COUNTY JUDGE

Date: _____

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____

VINCE RYAN
COUNTY ATTORNEY

Name: _____

By: _____

Title: _____

Amy Gros
Assistant County Attorney
C.A. File 15GEN0849



0011250 - 0378764-001-001

ACTION ITEM CHECK LIST STATUS

#		STATUS	DATE ASSIGNED	NEXT REVIEW DATE	PROPOSED CLOSURE DATE	RESPONSIBLE ORGANIZATION	City Council RESPONSIBILITY	PLANNING OBJECTIVE #	AGENDA ITEM NUMBER	DESCRIPTION OF ACTION ITEM	STATUS AND DATE
23		OPEN/IN WORK	11/4/2014			Mayor/ City Mgr.			5.1	Provide periodic updates on TxDOT's progress to improve/widen SH 146.	
30		OPEN/IN WORK	11/18/2014			Staff			4.2	Provide periodic updates of Strategic Plan	
32		OPEN/IN WORK	2/17/2015			Staff			6.1	Provide periodic project updates	

October 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				<i>1</i> Open Space & Trails 5:00pm	<i>2</i>	<i>3</i>
<i>4</i>	<i>5</i>	<i>6</i> City Council regular meeting 7:00pm National Night Out	<i>7</i>	<i>8</i> EDC 7:00pm	<i>9</i>	<i>10</i> JFest Southwest 2015
<i>11</i> JFest Southwest 2015	<i>12</i>	<i>13</i>	<i>14</i>	<i>15</i> Planning & Zoning 7:00pm	<i>16</i>	<i>17</i>
<i>18</i>	<i>19</i>	<i>20</i> City Council regular meeting 7:00pm	<i>21</i>	<i>22</i>	<i>23</i>	<i>24</i>
<i>25</i>	<i>26</i>	<i>27</i>	<i>28</i>	<i>29</i>	<i>30</i>	<i>31</i>

November 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 City Council regular meeting 7:00pm	4	5 Open Space & Trails 5:00pm	6	7
8	9	10	11	12 EDC 7:00pm	13	14 Celebration Seabrook
15	16	17 City Council regular meeting 7:00pm	18	19 Planning & Zoning 7:00pm	20	21
22	23	24	25	26 Thanksgiving	27 Thanksgiving	28
29	30					